

Questions for the Record

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

“Nominations of Victoria Marie Baecher Wassmer, to be Chief Financial Officer for the Department of Transportation (DOT); Mohsin Raza Syed, to be Assistant Secretary of Government Affairs at DOT; Amitabha Bose, to be Administrator of the Federal Railroad Administration; and Meera Joshi, to be Administrator of the Federal Motor Carrier Safety Administration”

10:00 AM, September 22, 2021

Questions for the Record from Hon. Maria Cantwell to Ms. Meera Joshi

Preemption of Meal and Rest Break Laws. Since 2008, the Federal Motor Carrier Safety Administration (FMCSA) had determined that hours of service regulations do not preempt state meal and rest laws. However, in 2018 FMCSA overrode Washington state’s ability to regulate wages and working conditions for employees by determining that hours of service regulations preempted state meal and rest break laws for commercial vehicle drivers.

Question 1. What is FMCSA doing to ensure that commercial vehicle drivers are provided with adequate meal and rest breaks?

Answer: The FMCSA’s preemption decision is currently the subject of litigation. The litigation has at USDOT’s request been held in abeyance pending USDOT and FMCSA’s review of the issues. Paramount to our mission is ensuring that drivers have adequate rest, and this is the lens through which our review is conducted.

Hours of Service Regulations. Hours of service regulations are critical to ensuring that truck drivers are properly rested and do not suffer from fatigue, which is a factor in 13 percent of commercial vehicle crashes.

Question 2. Will you commit to reviewing the existing hours of service regulations to ensure that they adequately prevent fatigue and ensure the safety of the traveling public?

Answer: Yes. To that end, we have begun collecting information about specific use of exemptions to the Hours of Service (HOS) rules issued as a result of COVID, so we can understand how and in what sectors these exemptions are being used. Additionally, FMCSA will continue to monitor violation and crash data, and work with your committee and the industry on strategies for a broader review of Electronic Logging Devices (ELD) to allow for a more comprehensive and direct understanding of the HOS rules in operation.

Question 3. What additional steps will FMCSA take to reduce instances of fatigued driving and to reduce large truck crashes?

Answer: Fatigued driving is a critical factor in crashes involving large trucks and buses, and we are committed to a multipronged approach to combatting it. This will include outreach and education, the incorporation of advanced safety tools, such as Automatic

Emergency Braking, and targeted enforcement during high crash times and locations, especially work zones. We will also implement a data driven approach to understanding how our rules and policy can support keeping fatigued drivers off the road.

Financial Management. The Department of Transportation Inspector General raised concerns about the Departments grant oversight and financial management in its 2021 Top Management Challenges Report. If signed into law, the bipartisan Infrastructure Investment and Jobs Act would provide \$567 billion in direct appropriations to the Department of Transportation. That is an 85 percent increase over the funding levels provided in the FAST Act.

Question 4. With this historic level of funding in the Infrastructure Investment and Jobs Act, how is the Federal Motor Carrier Administration preparing to administer these funds efficiently and effectively while addressing the Inspector General's concerns?

Answer: The increased funding provides an opportunity for FMCSA's State, local government, and non-profit grant recipients to help carry out FMCSA's mission as force multipliers. The increase in funding allows FMCSA's partners to increase inspections and traffic enforcement, as well as continue investments in IT infrastructure to ensure that data related to motor carriers and drivers are transmitted throughout the Nation.

FMCSA's grant oversight team involves a Grants Management Office, Field Offices, Headquarters Program Offices, and Legal. FMCSA has set performance-based standards for grant recipients and monitors reimbursements to avoid improper payments. FMCSA will ensure the proper use of funds to ensure that the purposes of the grants are being carried out.

Questions for the Record from Hon. SINEMA to MEERA JOSHI

Infrastructure Investment and Jobs Act (IIJA). The bipartisan Infrastructure Investment and Jobs Act provides investments to the Federal Motor Carrier Safety Administration (FMCSA) to offer safety grants to state and local governments to address commercial vehicle safety and training issues. The IIJA also provides funds to support state and local law enforcement agencies to mitigate crashes and hazardous material incidents involving commercial motor vehicles.

Question 1. Should the IIJA become law, how would these investments work to improve the safety of commercial trucking? What effects would Arizona drivers see from these investments?

Answer: As is the mission of the agency, my first priority is safety and preventing commercial motor vehicle-related crashes, which have steadily increased since 2010, and tragically almost every year, over 800 of these victims are large truck and bus drivers. Among other key lifesaving initiatives, increased funding allows FMCSA's State partners to hire additional personnel for roadside inspections to reach the true breadth of the vast commercial motor vehicle (CMV) industry. IIJA funding also provides FMCSA and States the opportunity to increase investigative and enforcement resources focused on high-risk motor carriers and in high crash zones. IIJA supports essential upgrades to States' IT infrastructure to improve critical CMV and CMV driver data collection and transfer and allows for the integration of safety technology in the CMV fleet. Especially important for drivers, IIJA funding supports low and no-cost driver training programs, creating job opportunities that don't require a college degree.

Autonomous Vehicle (AV) Trucks. Several companies are developing AV tracker-trailer trucks for shipping and delivery purposes. A number of these companies have conducted testing of their AV trucks in Arizona.

Question 2. What are your thoughts on developments in AV trucking technology?

Answer: I want to ensure that the Agency is taking advantage of all potentially life-saving tools, including both automated vehicle (AV) technologies, and near-term Advanced Driver Assistance System (ADAS) technologies, such as automatic emergency braking and lane-keep assistance, given their immense potential to improve highway safety. This is especially important given that the vast majority of critical reasons assigned to fatal and injury CMV crashes were attributed to the driver, whether it involved the commercial vehicle operator or another driver. However, as an agency, we must remain vigilant in gathering data to understand outcomes, foster integration, recognize implications for deployment and ensure all necessary safety and accountability measures must be in place. We must work across agencies and with our partners in labor to understand and prepare for workforce shifts and opportunities that automation may bring about.